

**COMMITTEE ON LIMITED JURISDICTION COURTS  
MINUTES**

Wednesday, October 19, 2011

10:00am to 2:00pm

Conference Room 119 A/B

State Courts Building

1501 W. Washington

Phoenix, AZ 85007

**MEMBERS PRESENT:**

Honorable Antonio F. Riojas

Ms. Carla Boatner

Mr. C. Daniel Carrion

Ms. Faye Coakley

Ms. Janet G. Cornell

Honorable Timothy Dickerson

Honorable Maria Felix

Honorable Sam Goodman

Honorable James William Hazel, Jr.

Honorable Eric Jeffery

Honorable Dorothy Little

Honorable MaryAnne Majestic

Honorable Arthur Markham

Ms. Marla Randall

Honorable J. Matias "Matt" Tafoya

Mr. James "Marty" Vance

Ms. Valerie A. Winters

**MEMBERS ABSENT:**

Mr. Patrick Kotecki

**PRESENTERS/GUESTS:**

Mr. Jerry Landau

Mr. Paul Julien

Ms. Carol Mitchell

Ms. Mary Jacoby

Ms. Jennifer Jones

Mr. Ken Kung

Ms. Melinda Hardman

**STAFF:**

Mr. Mark Meltzer

Ms. Tama Reily

**I. REGULAR BUSINESS**

**A. Welcome and Opening Remarks**

With a quorum present, the October 19, 2011, meeting of the Committee on Limited Jurisdiction Courts was called to order at 10:05 a.m. Members and guests were welcomed.

**B. Approval of Minutes**

The draft minutes for the August 31, 2011, meeting of the LJC were presented for approval.

**MOTION:** To approve the draft minutes of the LJC August 31, 2011 meeting. Motion seconded. Approved unanimously. LJC-11-014

## **II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS**

### **A. Legislative Update**

Jerry Landau, Administrative Office of the Courts (AOC) Director of Government Affairs, reported on legislation impacting limited jurisdiction courts. Mr. Landau reviewed several legislative proposals upon which he requested feedback. After lengthy discussion, the committee voted on the following:

**MOTION:** To recommend the AJC consider 2012-1: Criminal Code; Law Enforcement; Probation Officer Correction Bill with the exception of A.R.S. § 13-907, as discussed. Motion seconded. Approved unanimously. LJC-11-015

**MOTION:** To recommend the AJC consider 2012-5: Homeless Court provisions as presented. Motion seconded. Approved unanimously. LJC-11-016

**MOTION:** To oppose County Supervisor Association Proposal # 3: Appointed Defense Counsel. Motion seconded. Approved unanimously. LJC-11-017

**MOTION:** To oppose Bail Bondsman Proposal # 1: Release on Bailable Offenses before Trial. Motion seconded. Approved unanimously. LJC-11-018

**MOTION:** To oppose Bail Bondsman Proposal # 3: Exoneration of Appearance Bond; Remission. Motion seconded. Approved unanimously. LJC-11-019

Mr. Landau asked that members email him to share the basis for their opposition on the final bail bondsmen proposal. He will then communicate the committees' concerns to the AJC and the legislature.

### **B. Justice Court Rules of Civil Procedure**

Paul Julien, AOC Education Services and Chair of the Committee on Civil Rules of Procedure for Limited Jurisdiction Courts (RCiP.LJC) and Mark Meltzer, AOC committee staff, gave an update on the status of the RCiP.LJC work product. Mr. Julien discussed the process and intent of the committee's approach to revising the rules. Mr. Meltzer reviewed some of the obstacles the committee has run into in the process and how they were remedied. Feedback was requested from members as well as approval on the current interim product.

**MOTION:** To approve the progress and current product of the RCIP.LJC committee. Motion seconded. Approved unanimously. LJC-11-020

**C. Draft Rule Petition from the Committee on Victims in the Court**

Carol Mitchell, AOC Court Services Division (CSD) staff to the Committee on Victims in the Court (COVIC), presented a rule petition to amend several court rules. Ms. Mitchell gave some background on the impetus for the rule petition and explained the goal of protecting victims in this advanced technological age by keeping their names out of the court records in sexual offense and juvenile cases. The rule petition is expected to be filed by the January 2012 deadline and will then be available online for comment.

**MOTION:** To support COVIC's victim identification draft rule petition as presented. Motion seconded. Approved unanimously. LJC-11-021

**D. Language Access Planning**

Ms. Mitchell discussed the new requirements laid out by Administrative Order No. 2011-96, which concerns Language Access Plans (LAP) in the courts. She detailed the expectations that courts assess and and/or develop a language access plan and send to Ms. Mitchell. She provided a link to the AJIN Interpreter Resources Page at [http://supreme22/ctserv/CMU/CMU\\_CourtInterpreter.htm](http://supreme22/ctserv/CMU/CMU_CourtInterpreter.htm), where translated domestic violence protective order forms and LAP templates can be found. She also invited members to contact her with any questions. Members can obtain her contact information through Mr. Meltzer.

**E. Maricopa County Regional Homeless Court**

Judge MaryAnne Majestic presented a video on the regional homeless court. The video offered insight to the circumstances of indigents who are frequently charged with victimless misdemeanor offenses which lead to outstanding fines and warrants. The homeless regional court provides resolution and the opportunity for rehabilitation to such individuals.

**F. Operational Reviews Report**

Janet Johnson, CSD Director, introduced Ken Kung, new CSD Court Operations Unit (COU) manager. Mr. Kung and Mary Jacoby, COU, presented a report on operational reviews in the courts. Ms. Jacoby discussed the most common findings of operational reviews, how courts are selected for review, and why reviews are needed. Members can find additional information on operational reviews online at [http://supreme22/ctserv/caunit/COU\\_commonfindings.pdf](http://supreme22/ctserv/caunit/COU_commonfindings.pdf).

**G. ACJA § 1-401: Minimum Accounting Standards**

Mr. Kung and Jennifer Jones, COU, presented a revised code section on minimum accounting standards (MAS). Ms. Jones explained that the code accommodates electronic and on-line payments, adds definitions and standards, and clarifies some sections. The intent is to help achieve consistency among the courts as far as finance terminology and business processes. The code section can be found at [http://azcourts.gov/Portals/0/admcode/pdfcurrentcode/1-401\\_Effective\\_01-01-012.pdf](http://azcourts.gov/Portals/0/admcode/pdfcurrentcode/1-401_Effective_01-01-012.pdf).

At this time, Mr. Landau brought an additional AACO proposal before the committee for a vote. The proposal would replace the justice of the peace position on the Constable Ethics Board with a person appointed by POST.

**MOTION:** To instead recommend expanding the Constable Ethics Board by one position. Motion seconded. Approved unanimously. LJC-11-022

#### **H. Rules Update**

Mr. Meltzer provided an update on rules impacting limited jurisdiction courts.

#### **I. 2012 Committee Meeting Dates**

The following 2012 LJC meeting dates have been selected:

February 15  
May 2  
August 22  
October 24

**MOTION:** To approve the 2012 LJC meeting dates as discussed. Motion seconded. Approved unanimously. LJC-11-023

#### **J. Supreme Court Rule 123 Revisions**

Melinda Hardman, AOC CSD Policy Analyst, presented proposed revisions to Rule 123, Rules of the Supreme Court. The revisions are primarily technical with an exception to changes that would limit public access to judicial branch employee disciplinary action records. Jennifer Greene, AOC Legal Services, briefly explained that changes regarding employee records would bring the language more in line with the policy of the Arizona Department of Administration (ADOA), which holds that disciplinary action records will be open to the public. Other personnel file documents remain closed.

**MOTION:** To recommend the AJC approve the filing of a rule petition to amend Rule 123, Rules of the Supreme Court, as discussed. Motion seconded. Approved unanimously. LJC-11-023

#### **III. OTHER BUSINESS**

**A. Good of the Order/Call to the Public**  
None offered.

**B. Next Meeting**

Wednesday, February 15, 2012  
10:00am to 2:30pm  
Conference Room 119 A/B  
State Courts Building

Meeting was adjourned at 1:35 pm.

**AJC Legislative Proposals – 2012**  
**Committee on Limited Jurisdiction Courts Summary**  
**October 18, 2012**

**2012-1: Criminal Code; Law Enforcement; Probation Officer Correction Bill**

The annual criminal code corrections bill. Provisions include:

- §8- 208. Juvenile court records, conforming change to the juvenile court records statute permitting release by the juvenile court of all information in its possession concerning a person who is charged in a delinquency proceeding. This would permit juvenile probation departments to share information and records with each other. Currently a court order is required for one county probation department to share such records with other counties due to a change in computer systems.
- §12-123. Jurisdiction and powers, conforming change to correctly state the maximum fine for a Class 1 Misdemeanor
- §13-703. Repetitive offense sentencing, rounding the Class 2 and 3 mitigated sentence that was inadvertently not done earlier
- §13-709.02, 13-709.06, Special sentencing provisions renumber for organizational purposes
- §13-907. Setting aside judgment of convicted person on discharge; application; release from disabilities; exceptions, clarification that case is technically not dismissed.

**2012-5: Homeless Court**

Grants the presiding judge of the superior court authority to create a consolidated homeless court for the referral of cases from a municipal or justice court. The presiding judge of the superior court shall approve eligibility criteria and establish processes and procedures. Justice of the peace and municipal court cases that met the criteria may be referred to the homeless court upon approval of the judge and prosecutor. However, jurisdiction remains in the lower court. The presiding judge of the superior court designates the location of the court. A superior court judge, commissioner, justice of the peace, municipal court judge or judge pro-tem may hear the case.

**County Supervisor Association Proposal #3: Appointed defense counsel**

If a prosecutor waives jail as an available sentencing option the county is not required to provide counsel at government expense.

**AJC Legislative Proposals – 2012**  
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**AACO #4: Victim Definition**

Modify the definition of “victim” to ensure that when restitution and/or reimbursement is being made that it goes to individual victims first and then organizational or corporate victims.  
*(Proposed by Superior Court Clerks)*

- Generally, when a court orders restitution they make it clear of the priority of the restitution payments when there are multiple victims. However, there are times when no priority is listed and the Clerks are left to work with all of the parties to determine priority.
- The constitution uses the term “person” when defining victim and the Clerks are looking for some statutory clarification based on that definition that a “real person” victim receives priority in restitution payments over a “business/entity” victim in the absence of a specified priority list from the court.

10-17-11

